

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

TAMARA BARRUS, et al.,
on behalf of themselves and all other
employees similarly situated,

No. 05-CV-6253-CJS-JWF

Plaintiffs,

v.

DICK'S SPORTING GOODS, INC.,
GALYAN'S TRADING COMPANY, INC., EDWARD
STACK, KATHRYN SUTTER, WILLIAM
COLOMBO, JAY CROSSON, AND LYNN URAM,

Defendants.

NOTICE OF MOTION

PLEASE TAKE NOTICE that, upon the accompanying memorandum of law and declarations of Patrick J. Solomon, Esq. and Stacy Roe, Plaintiffs (as defined in the accompanying memorandum of law) and Defendants Dick's Sporting Goods, Inc., Galyan's Trading Company, LLC¹, Edward Stack, Kathryn Sutter, William Colombo, Jay Crosson, and Lynn Uram (collectively, "Defendants"), by and through their undersigned counsel, will move this Court, before the Honorable Charles J. Siragusa, United States District Judge, at the United States Courthouse, Western District of New York, 100 State Street, Rochester, New York 14614, on June 1, 2011 at 3:00 pm, for an Order (*see* Proposed Order Confirming Certification Of Class/Collective Action And Granting Final Approval To Settlement, And Granting Class Counsel's Motion For Attorneys' Fees, And Granting Plaintiffs' & Opt-Ins' Motion For Service

¹ Effective July 30, 2010, Galyan's Trading Company, Inc., was converted to Galyan's Trading Company, LLC.

Payments (“Proposed Order”), separately submitted to chambers concurrently herewith) granting the following relief:

1. Confirm as final the Court’s provisional certification pursuant to Fed. R. Civ. P. 23(a) and 23(b)(3), for settlement purposes, of the Subclasses (as defined in the accompanying memorandum of law).
2. Confirm as final the Court’s conditional certification, for settlement purposes, of the FLSA Class (as defined in the accompanying memorandum of law) pursuant to 29 U.S.C. § 216(b).
3. Grant final approval to the Global Settlement Agreement.
4. Confirm as final the appointment of Plaintiffs as class representatives for the FLSA Class.
5. Confirm as final the appointment of certain Plaintiffs as class representatives for the Subclasses.
6. Confirm as final the appointment of Thomas & Solomon LLP as counsel for the Subclasses and FLSA Class.
7. Confirm as final the Court’s approval of the Parties’ Notice Materials (as defined in the accompanying memorandum of law).
8. Confirm as final the Court’s preliminary approval of the releases of claims set forth in the Agreement (at Section 4) and the Claim Form and Individual Release (Agreement at Exhibit F).
9. Approve the reserve set aside for settlement administration.

The factual and legal basis for this Motion are contained in the accompanying memorandum of law.

Dated: May 26, 2011

/s/ Patrick J. Solomon (with consent)

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Dated: May 26, 2011

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